

CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. § 1.8

Pursuant to 37 C.F.R. § 1.8, I hereby certify that this Statement of Facts in Support of the accompanying Petition to Accept Application Due To Inventor Refusing to Sign, is being deposited with the United States Postal Service, as first class mail in an envelope addressed to: Mail Stop: Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22323-1450, on:

Date: 2/26/04

By: [Signature]

**IN THE UNITED STATES PATENT AND PATENT
TRADEMARK OFFICE**

PATENT

Applicant(s):	Berardi, et al.	Docket No.:	40655.7000
Serial No.:	10/611,563	Group Art Unit:	TBA
Filed:	June 30, 2003	Examiner:	NYA
TITLE:	CLEAR CONTACTLESS CARD		

**STATEMENT OF FACTS REGARDING NON-SIGNING INVENTORS
IN SUPPORT OF THE ACCOMPANYING PETITION TO ACCEPT
THE APPLICATION DUE TO INVENTOR REFUSING TO SIGN
SUBMITTED UNDER 37 C.F.R. § 1.47**

STATE OF ARIZONA)
) SS.
County of Maricopa)

I, Patrick L. Mixon, being first duly sworn, hereby affirm that to the best of my personal knowledge:

1. I am an attorney in the law firm of Snell & Wilmer L.L.P. I am also a patent attorney registered to practice law before the United States Patent Office, under United States Patent Office registration no. 47,801.

2. Snell & Wilmer L.L.P. represents American Express Travel Related Services Company, Inc. ("American Express"), in regards to certain intellectual property matters. I have personally provided legal counsel to American Express in regards to many of their intellectual property matters. More particularly, I am the outside counsel most closely involved with the

preparation and prosecution of U.S. application serial no. 10/611,563 filed June 30, 2003, which is the application to which this petition pertains.

3. American Express retained Snell & Wilmer L.L.P. to prepare a several patent applications for a systems and methods related to frequency identification in contact and contactless transactions. Particularly, American Express retained Snell & Wilmer to prepare U.S. application no. 10/192,488, entitled SYSTEM AND METHOD FOR PAYMENT USING RADIO FREQUENCY IDENTIFICATION IN CONTACT AND CONTACTLESS TRANSACTIONS filed July 9, 2002, and U.S. provisional application no. 60/304,216 entitled SYSTEM AND METHOD FOR RFID PAYMENTS filed July 10, 2001, to which the 10/192,488 application claims priority. Additionally, American Express retained Snell & Wilmer to Prepare U.S. application no. 10/340,352 entitled SYSTEM AND METHOD FOR INCENTING PAYMENT USING RADIO FREQUENCY IDENTIFICATION IN CONTACT AND CONTACTLESS TRANSACTIONS filed January 10, 2003, and U.S. application no. 10/318,480 entitled SYSTEM AND METHOD FOR ASSIGNING A FUNDING SOURCE FOR A RADIO FREQUENCY IDENTIFICATION DEVICE filed December 13, 2002, which claims priority to the 60/304,216 provisional application, the 10/192,488 application and to the 10/340,352 application.

4. While preparing the applications noted in paragraph 3, Snell & Wilmer and American Express determined that Ms. Alexandra Mayers contributed to the inventions in the subsequently filed provisional and utility applications. Thus, Ms. Mayers is listed as an inventor on all the noted applications.

5. Ms. Mayers participated in the preparation of U.S. provisional application no. 60/304,216 (attorney docket no. 40655.7050), to which the 10/192,488 application (attorney

docket no. 40655.7000) claims priority. On November 1, 2001, Ms. Mayers executed an assignment of the 60/304,216 provisional application to American Express (See Exhibit A). The assignment of the 60/304,216 application is recorded in the United States Patent and Trademark Office on January 7, 2002 at Reel No. 012442, Frame 0659, as shown in attached Exhibit B.

6. As indicated in the assignment document of the 60/304,216 provisional application, Ms. Mayers has assigned and transferred to American Express, the full and exclusive right to the invention described in the 60/304,216 provisional application (See Exhibit A, paragraph 4). In addition, Ms. Mayers's assignment of rights includes the assignment of the full and exclusive right to, *inter alia*, any provisional, nonprovisional, continuation, continuation in part, divisional or other patent application which claims priority to the 60/304,216 provisional application. As such, since the 10/192,488 application claims priority to the 60/304,216 provisional application, Ms. Mayers has assigned all full and exclusive rights to at least the 10/192,488 application to American Express.

7. In accordance with paragraph 5 of the assignment document (Exhibit A), Ms. Mayers transferred to American Express, without further remuneration, a full and exclusive right to any improvements, derivatives works and applications based on, growing out of, or relating to the 60/304,216 application, and to provide reasonable assistance and execute any papers, if accurate, to preserve, acquire and/or perfect American Express's full protection and title in and to the 60/304,216 application and any improvements and to file any applications as noted in the assignment paragraph 3 (See Exhibit A, paragraph 5).

8. Application no. 10/611,563, to which this petition pertains, is a continuation in part of application no. 10/192,488, which claims priority to the 60/304,216 provisional application. Thus, the 10/611,563 application is an application based on, grows out of, and/or

relates to the 60/304,216 application, such that Ms. Mayers has assigned full and exclusive right to the 10/611,563 application, in accordance with paragraph 5 of the assignment document.

9. In addition to the rights assigned to American Express under assignment document Exhibit C, American Express likely has rights in the invention of the 10/611,563 application since Ms. Mayers conceived of, and developed the invention, while employed by American Express. Ms. Mayers was a full-time, salaried employee of American Express during the time that the inventions were conceived, and that the inventions were conceived in line with the scope of Ms. Mayers's employment. As such, based on the facts set forth herein, it is my belief that a court of proper jurisdiction would award title of the invention to American Express, even though Ms. Mayers was no longer an employee of American Express when the applications were filed.

10. Consequently, based on the facts presented in paragraphs 6-8 (by Assignment) and paragraph 9 (by Judicial Award of Assignment), American Express has a substantial interest in the filing and prosecution of all applications noted above.

11. Application no. 10/611,563, the application to which this petition pertains, also claims priority to U.S. Application No. 10/062,106, entitled "TRANSACTION CARD," filed January 31, 2001, to U.S. Patent Application No. 10/092,681, entitled "TRANSACTION CARD," filed March 7, 2002, to U.S. Patent Application No. 10/288,945, entitled "PERFORATED TRANSACTION CARD," filed November 6, 2002, to U.S. Application No. 10/302,658, entitled "TRANSACTION CARD WITH DUAL CHIPS," filed November 22, 2002, to U.S. Patent No. 10/394,914, entitled "TRANSACTION CARD," filed March 21, 2003, and to U.S. Provisional Patent Application No. 60/427,977, filed on November 20, 2002. However, Ms. Mayers is not an inventor on those applications.

12. Notably, subsequent to the filing of the 60/304,216 application, Ms. Mayers left American Express's employment and refused to join in the prosecution of the 10/192,488 application, the 10/340,352 application, and the 10/318,480 application. Thus, on behalf of American Express, I filed petitions for each of the applications under 37 C.F.R. § 1.47(a), requesting acceptance of the applications since Ms. Mayers refused to join in the prosecution of the applications with the signing inventors.

13. As of the signing of this Statement, the U.S. Office of Petitions had GRANTED all three petitions. (See Exhibits C, D, E) However, since Ms. Mayers is an inventor on the 10/611,563 application, to which this Statement pertains, and because Ms. Mayers has also refused to sign the declarations and join in the prosecution of the applications noted in paragraph 12, for which Petitions filed under 37 C.F.R. § 1.47 have already been granted, American Express is compelled to file the present Petition to avoid irreparable damage due to the potential loss of filing date of the present 10/611,563 application.

14. With respect to the application (including the complete final specification and drawings) and the declaration in the present 10/611,563 application, on January 28, 2004, I again forwarded to Ms. Mayers the 10/611,563 application and declarations for execution. (See Exhibit F). To date, we have not received a response regarding Ms. Mayer's willingness to execute the declaration.

15. The deadline for responding to the "Notice to File Missing Parts" is due to expire February 26, 2004. To preserve American Express's rights in the invention, I am filing the present petition for acceptance of the application in view of Ms. Mayers refusal to join with the remaining signing inventors.

16. Ms. Mayers's refusal to join in the prosecution of the application is unequivocal and explicit. Thus, her conduct constitutes refusal sufficient to satisfy the requirements for acceptance of the application under 37 C.F.R. §1.47(a).

17. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

DATED this 26th day of February 2004.

A handwritten signature in black ink, appearing to read 'Patrick L. Mixon', is written over a horizontal line.

Patrick L. Mixon
Reg. No. 47,801

ASSIGNMENT

UTILITY PATENT

WHEREAS, the undersigned inventor(s) (hereinafter singly and collectively, "ASSIGNOR") of the addresses indicated below, have invented subject matter disclosed in the provisional application for Letters Patent of the United States entitled SYSTEM AND METHOD FOR RFID PAYMENTS filed on July 10, 2001 and assigned U.S. Serial No. 60/304,216;

AND WHEREAS, AMERICAN EXPRESS TRAVEL RELATED SERVICES COMPANY, INC. (hereinafter "ASSIGNEE"), a corporation organized and existing under and by virtue of the laws of the State of New York having its principal place of business and mailing address at General Counsel's Office, American Express Tower, World Financial Center, New York, New York 10285-4900, is desirous of memorializing its interest therein;

NOW, THEREFORE, the undersigned ASSIGNOR hereby confirms that ASSIGNOR is a full time salaried employee of ASSIGNEE and that ASSIGNOR developed the subject matter of the invention on ASSIGNEE's time and at the expense of ASSIGNEE and within the scope of ASSIGNOR's duties as an employee of ASSIGNEE and thereby ASSIGNOR recognizes that the ASSIGNEE owns the invention as described in the aforesaid application. Nonetheless to comport with Patent Office procedures, ASSIGNOR memorializes that relationship in the form of this assignment and;


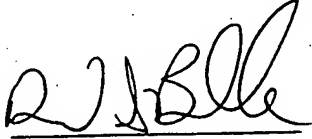
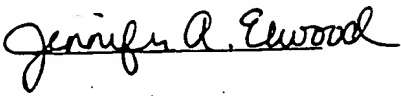
THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, ASSIGNOR by these presents does sell, assign and transfer unto ASSIGNEE, its successors, assigns and legal representatives, the full and exclusive right to the invention, as described in the aforesaid application, including patent, copyright and any other intellectual property rights, any provisional, non-provisional, continuation, continuation in part, divisional, reissue, reexamination, foreign, PCT or other patent application or like document, or any other application which claims priority to said application, in the United States and all foreign countries, together with the right of priority under the International Convention for the Protection of Industrial Property, Inter-American Convention Relating to Patents, Designs and Industrial Models, and any other international agreements to which the United States adheres, and hereby authorizes and requests the Commissioner of Patents to issue said Letters Patent to ASSIGNEE, for the sole use and benefit of ASSIGNEE, its successors, assigns and legal representatives,

AND HEREBY AGREES to transfer to ASSIGNEE, its successors, assigns and legal representatives, without further remuneration, a like interest in and to any improvements, derivative works, and applications based thereon, growing out of or relating to the invention; and to provide all reasonable assistance and execute any papers, if accurate, desired by ASSIGNEE, its successors, assigns and legal representatives, to preserve, acquire and/or perfect ASSIGNEE's full protection and title

in and to the invention and any improvements and to file any of the aforementioned applications.

In the event that the Application Number and/or filing date is not available when this Assignment is executed, I hereby authorize and request any attorney associated with Snell & Wilmer L.L.P., Customer No. 20322, to insert above the filing date and/or the application number of said application when known.

EXECUTED as of the date(s) written below by ASSIGNOR:

INVENTOR'S NAME	ADDRESS	SIGNATURE	DATE
<u>John R. Williamson</u>	<u>302 TAVONIA AVE</u> <u>Jersey City, NJ</u> <u>07302</u>		<u>10/9/01</u>
<u>Alexandra Mayers</u>	_____ _____ _____	_____	_____
<u>David S. Bonalle</u>	<u>77 Rose Hill Ave</u> <u>New Rochelle, NY</u> <u>10804</u>		<u>10/9/01</u>
<u>Jennifer A. Elwood</u>	<u>115 E. 34th St.</u> <u>Apt. # 8G</u> <u>New York, NY 10016</u>		<u>10/08/01</u>
<u>Peter D. Saunders</u>	_____ _____ _____	_____	_____
<u>Michael J. Berardi</u>	_____ _____ _____	_____	_____
<u>Kathryn D. Scheduling</u>	_____ _____ _____	_____	_____

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EXECUTED as of the date(s) written below by ASSIGNOR:

INVENTOR'S NAME	ADDRESS	SIGNATURE	DATE
<u>John R. Williamson</u>	_____ _____ _____	_____	_____
<u>Alexandra Mayers</u>	<u>49 Grove St</u> <u>Apt 5B</u> <u>New York NY 10014</u>	<u>Alexandra Mayers</u>	<u>11/1/01</u>
<u>David S. Bonalle</u>	_____ _____ _____	_____	_____
<u>Jennifer A. Elwood</u>	_____ _____ _____	_____	_____
<u>Peter D. Saunders</u>	_____ _____ _____	_____	_____
<u>Michael J. Berardi</u>	_____ _____ _____	_____	_____
<u>Kathryn D. Scheduling</u>	_____ _____ _____	_____	_____

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<u>John R. Williamson</u>	_____ _____ _____	_____	_____
<u>Alexandra Mayers</u>	_____ _____ _____	_____	_____
<u>David S. Bonalle</u>	_____ _____ _____	_____	_____
<u>Jennifer A. Elwood</u>	_____ _____ _____	_____	_____
<u>Peter D. Saunders</u>	<u>3710 East Palisade Dr</u> <u>Salt Lake City</u> <u>UT 84109</u>	 _____	<u>11/2/01</u>
<u>Michael J. Berardi</u>	_____ _____ _____	_____	_____
<u>Kathryn D. Scheduling</u>	_____ _____ _____	_____	_____

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INVENTOR'S NAME	ADDRESS	SIGNATURE	DATE
<u>John R. Williamson</u>	_____ _____ _____	_____	_____
<u>Alexandra Mayers</u>	_____ _____ _____	_____	_____
<u>David S. Bonalle</u>	_____ _____ _____	_____	_____
<u>Jennifer A. Elwood</u>	_____ _____ _____	_____	_____
<u>Peter D. Saunders</u>	_____ _____ _____	_____	_____
<u>Michael J. Berardi</u>	7770 NW 50 th St. #306 Lauderhill, FL 33313 _____	<i>Michael J. Berardi</i>	10/03/01
<u>Kathryn D. Scheduling</u>	_____ _____ _____	_____	_____

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INVENTOR'S NAME	ADDRESS	SIGNATURE	DATE
<u>John R. Williamson</u>	_____ _____ _____	_____	_____
<u>Alexandra Mayers</u>	_____ _____ _____	_____	_____
<u>David S. Bonalle</u>	_____ _____ _____	_____	_____
<u>Jennifer A. Elwood</u>	_____ _____ _____	_____	_____
<u>Peter D. Saunders</u>	_____ _____ _____	_____	_____
<u>Michael J. Berardi</u>	_____ _____ _____	_____	_____
<u>Kathryn D. Scheduling</u>	<u>220 E. 54th St #6J</u> <u>NY, NY 10022</u> _____	<u></u>	<u>11/2/01</u>

Matthew C. Hood

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Matthew C. Hood

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Sejal Aji Shah

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[Signature]

10/15/01

[Signature]

10/09/01

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Fax (602) 382-6070

CERTIFICATE OF MAILING FIRST CLASS MAIL (37 CFR 1.101)

Applicant(s): **Williamson, et al.**

Docket No.

40655.7050

Serial No.

60/304,216

Filing Date

July 10, 2001

Examiner

N/A

Group Art Unit

N/A

Invention: **SYSTEM AND METHOD FOR RFID PAYMENTS**

I hereby certify that this Assignment, Recordation Cover Sheet and accompanying fee
(Identify type of correspondence)

is being deposited with the United States Postal Service as first class mail in an envelope addressed to: The
Commissioner of Patents and Trademarks, Washington, D.C. 20231-0001 on November 27, 2001
(Date)

Deborah A. Mier

(Typed or Printed Name of Person Mailing Correspondence)

Deborah A. Mier

(Signature of Person Mailing Correspondence)

Note: Each paper must have its own certificate of mailing.

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MARCH 05, 2002

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Chief Information Officer
Washington, DC 20231
www.uspto.gov

40665-7050
SNELL & WILMER L.L.P.
HOWARD I. SOBELMAN
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UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 01/07/2002

REEL/FRAME: 012442/0659
NUMBER OF PAGES: 13

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

WILLIAMSON, JOHN R.

DOC DATE: 10/09/2001

ASSIGNOR:

MAYERS, ALEXANDRA

DOC DATE: 11/01/2001

ASSIGNOR:

BONALLE, DAVID S.

DOC DATE: 10/09/2001

ASSIGNOR:

ELWOOD, JENNIFER A.

DOC DATE: 10/08/2001

ASSIGNOR:

SAUNDERS, PETER D.

DOC DATE: 11/02/2001

ASSIGNOR:

BERARDI, MICHAEL J.

DOC DATE: 10/03/2001

ASSIGNOR:

SCHEDING, KATHRYN D.

DOC DATE: 11/02/2001

ASSIGNOR:
HOOD, MATTHEW C.

DOC DATE: 10/03/2001

ASSIGNOR:
ISENBERG, SUSAN E.

DOC DATE: 10/15/2001

ASSIGNOR:
SHAH, SEJAL AJIT

DOC DATE: 10/09/2001

ASSIGNEE:
AMERICAN EXPRESS TRAVEL RELATED
SERVICES COMPANY, INC.
AMERICAN EXPRESS TOWER, WORLD
FINANCIAL CENTER
GENERAL COUNSEL'S OFFICE
NEW YORK, NEW YORK 10285-4900

SERIAL NUMBER: 60304216
PATENT NUMBER:

FILING DATE: 07/10/2001
ISSUE DATE:

SHARON BROOKS, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS



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NIS

SNELL & WILMER
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400 EAST VAN BUREN
PHOENIX AZ 85004-0001

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NOV 13 2003

OFFICE OF PETITIONS

In re Application of
Berardi et al.
Application No. 10/192,488
Filed: July 9, 2002
Attorney Docket No. 40655-7000
For: SYSTEM AND METHOD FOR PAYMENT
USING RADIO FREQUENCY
IDENTIFICATION IN CONTACT AND
CONTACTLESS TRANSACTIONS

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a),
filed October 16, 2003.

The petition is granted.

Petitioner has shown that Alexandra Mayers, the non-signing inventor, has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the statement of facts of Patrick L. Mixon establishes that the inventor was presented with the application papers, including the specification, claims and drawings, but failed to respond to the request that she sign the declaration.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the present petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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SNELL & WILMER

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Reopening first action 12-9-03



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COMMISSIONER FOR PATENTS
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P.O. Box 1450
ALEXANDRIA, VA 22313-1450
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Alexandra Mayers
49 Grove Street
Apartment #5A
New York, NY 10014

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OFFICE OF PETITIONS

In re Application of
Berardi et al.
Application No. 10/192,488
Filed: July 9, 2002
Attorney Docket No. 40655-7000
For: SYSTEM AND METHOD FOR PAYMENT
USING RADIO FREQUENCY
IDENTIFICATION IN CONTACT AND
CONTACTLESS TRANSACTIONS

LETTER

Dear Ms. Mayers:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

SNELL & WILMER
ONE ARIZONA CENTER
400 EAST VAN BUREN
PHOENIX AZ 85004-0001



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JAN 16 2004

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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SNELL & WILMER LLP
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400 EAST VAN BUREN
PHOENIX, AZ 85004-2202

SNELL & WILMER

Paper No. 7

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JAN 12 2004

OFFICE OF PETITIONS

In re Application of
Berardi et al.
Application No. 10/318,480
Filed: December 13, 2002
Attorney Docket No. 50655.0800

:
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:
:
:
DECISION ACCORDING
STATUS UNDER
37 CFR 1.47(a)

This decision concerns the October 16, 2003 renewed petition under 37 CFR 1.47(a).

The renewed petition is **GRANTED**.

The previous petition under 37 CFR 1.47(a), filed on April 28, 2003, was dismissed on June 16, 2003 for lacking sufficient showing that a *bona fide* attempt had been made to present to the non-signing inventor, Alexandra Mayers, a copy of the entire application (specification including claims; drawings) as required by 37 CFR 1.47.

Upon review of the instant renewed petition and the accompaniments, the Office concludes that a reasonably diligent effort has been made, in vain, to secure Alexandra Mayers' signature on the application declaration. The renewed petition is thus granted.

As provided in 37 CFR 1.47(c), the Office will forward notice of the filing of this application to Alexandra Mayers at her last known address indicated in the petition:

49 Grove Street, Apt. #5A
New York, NY 10014

Notice of the filing of this application will also be published in the *Official Gazette*.

No petition fee is owed. The Office acknowledges receipt with the renewed petition of the request for a 2-month extension of time and a \$450 check for paying the \$420 extension-of-time fee. As authorized, the \$30 overpayment has been credited to Deposit Account No. 19-2814.

The file is being forwarded to Technology Center 2600 for examination in due course.

Telephone inquiries should be directed to the undersigned at (703) 308-0763.

RC Tang

RC Tang
Petitions Attorney
Office of Petitions

NOTED FOR RECEIPT



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Alexandra Mayers
49 Grove Street
Apt. #5A
New York, NY 10014

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OFFICE OF PETITIONS

In re Application of
Berardi et al.
Application No. 10/318,480
Filed: December 13, 2002
For: SYSTEM AND METHOD FOR
ASSIGNING A FUNDING SOURCE FOR
A RADIO FREQUENCY
IDENTIFICATION DEVICE

LETTER

Dear Ms. Mayers,

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a) (Rules of Practice for the United States Patent and Trademark Office [USPTO]). Should a patent be granted on the application, you will be designated therein as a joint inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost pursuant to 37 CFR 1.19), or make your position of record in the application. Alternatively, you may do any of the aforementioned through an attorney or agent registered to practice before the USPTO and presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding this application should be directed to the File Information Unit at (703) 308-2733. For information on how to order a copy of the application or a specific paper in the application, contact the Certification Division at (703) 308-9726 or 1-(800) 972-6382 (outside the Washington DC area). Telephone inquiries regarding this letter should be directed to the undersigned at (703) 308-0763.

RC Tang
Petitions Attorney
Office of Petitions
Office of the Commissioner for Patents

cc: Patrick L. Mixon, Esq.
Snell & Wilmer, LLP
One Arizona Center
400 East Van Buren
Phoenix, AZ 85004-2202

Snell & Wilmer
— L.L.P. —
LAW OFFICES

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Patrick L. Mixon (602) 382-6274
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PHOENIX, ARIZONA

TUCSON, ARIZONA

IRVINE, CALIFORNIA

SALT LAKE CITY, UTAH

DENVER, COLORADO

LAS VEGAS, NEVADA

January 28, 2004

CERTIFIED MAIL--
RETURN RECEIPT REQUESTED
NO. 7003-0500-0004-6271

Alexandra Mayers
49 Grove Street, Apt 5B
New York, NY 10014

Re: **U.S. Nonprovisional Patent Application -- Filing Receipt**
Title: A TRANSPARENT TRANSACTION CARD
Serial No.: 10/611,563; Confirmation No.: 2297
Inventors: Berardi, et al.
Filing Date: June 30, 2003
Our File No.: 60655.0100

Dear Ms. Mayers:

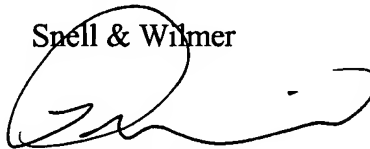
Enclosed are the complete 60655.0100 application for the Transparent Transaction Card, assignment and inventor's declaration. Should you need to make any changes to the assignment or declaration documents, please initial those changes. Once you have reviewed the application, please sign the enclosed assignment and inventor's declaration and fax your signature page to my attention at 602-382-6070, upon receipt of the enclosed. Please overnight the originally executed documents to me in the enclosed, pre-addressed envelope. If possible, we would like to receive your signed documents by February 3, 2004.

Thank you for your attention to this matter.

Kindest regards.

Very truly yours,

Snell & Wilmer



Patrick L. Mixon

PLM:bf
Enclosures



IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

-- PATENT --

Inventor(s): Michael J. Berardi, et al.

Docket No.: 60655.0100

Serial No.: 10/611,563

Group Art Unit: NYA

Filing Date: June 30, 2003

Examiner: NYA

Title:

**TRANSPARENT TRANSACTION CARD
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**SYSTEM AND METHOD FOR PAYMENT USING RADIO FREQUENCY
IDENTIFICATION IN CONTACT AND CONTACTLESS TRANSACTIONS**

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Prior Foreign
Application(s)

Priority Not Claimed

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Number

Country

Filing Date

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Inventor's signature: Michael J. Berardi Date: 7/28/03

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Citizenship: United States of America

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Inventor's signature: _____ Date: _____

Residence Address: 4 Dogwood Circle

City/State: Matawan, New Jersey Zip Code: 07747

Citizenship: United States of America

Full name of third joint inventor: David S. Bonalle

Inventor's signature: _____ Date: _____

Residence Address: 77 Rose Hill Avenue

City/State: New Rochelle, New York Zip Code: 10804

Citizenship: United States of America

Full name of fourth joint inventor: Jennifer Anne Elwood

Inventor's signature: _____ Date: _____

Residence Address: 245 East 84th Street #3E

City/State: New York, New York Zip Code: 10028

Citizenship: United States of America

Full name of fifth joint inventor: Becky Vander Eyk

Inventor's signature: _____ Date: _____

Residence Address: _____

City/State: _____ Zip Code: _____

Citizenship: _____

Full name of sixth joint inventor: Matthew C. Hood

Inventor's signature: _____ Date: _____

Residence Address: 1112 Lafayette Road

City/State: Wayne, Pennsylvania Zip Code: 19087

Citizenship: United States of America

Full name of seventh joint inventor: Susan E. Isenberg

Inventor's signature: _____ Date: _____

Residence Address: 201 West 74th, 12H

City/State: New York, NY Zip Code: 10023

Citizenship: United States of America

Full name of eighth joint inventor: Leigh Malnati

Inventor's signature: _____ Date: _____

Residence Address: 111 Morris Avenue, Mountain Lakes, NJ 07046

City/State: Mountain Lakes, New Jersey Zip Code: 07046

Citizenship: United States of America

Full name of ninth joint inventor: Alexandra Mayers

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Inventor's signature: _____ Date: _____

Residence Address: 220 East 54th Street, #6J

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Citizenship: United States of America

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City/State: New York, New York Zip Code: 10019

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Full name of sixteenth joint inventor: John R. Williamson

Inventor's signature: _____ Date: _____

Residence Address: 302 Pavonia Avenue

City/State: Jersey City, New Jersey Zip Code: 07302

Citizenship: United States of America



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-- PATENT --

Inventor(s): Michael J. Berardi, et al.

Docket No.: 60655.0100

Serial No.: 10/611,563

Group Art Unit: NYA

Filing Date: June 30, 2003

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Full name of fourth joint inventor: Jennifer Anne Elwood

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Docket No.: 60655.0100

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Docket No.: 60655.0100

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Inventor's signature: _____ Date: _____

Residence Address: 770 NW 50th Street #306

City/State: Ft. Lauderdale, Florida Zip Code: 33351

Citizenship: United States of America

Full name of second joint inventor: Michael Bliman

Inventor's signature: _____ Date: _____

Residence Address: 4 Dogwood Circle

City/State: Matawan, New Jersey Zip Code: 07747

Citizenship: United States of America

Full name of third joint inventor: David S. Bonalle

Inventor's signature: _____ Date: _____

Residence Address: 77 Rose Hill Avenue

City/State: New Rochelle, New York Zip Code: 10804

Citizenship: United States of America

Full name of fourth joint inventor: Jennifer Anne Elwood

Inventor's signature: Jennifer Anne Elwood Date: 7-28-03

Residence Address: 245 East 84th Street #3E 2127 White Oak Way

City/State: New York, New York Okemos, MI Zip Code: 10028 48864

Citizenship: United States of America

Full name of fifth joint inventor: Becky Vander Eyk

Inventor's signature: _____ Date: _____

Residence Address: _____

City/State: _____ Zip Code: _____

Citizenship: _____

Full name of sixth joint inventor: Matthew C. Hood

Inventor's signature: _____ Date: _____

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City/State: Wayne, Pennsylvania Zip Code: 19087

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Full name of eighth joint inventor: Leigh Malnati

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Citizenship: United States of America

Full name of thirteenth joint inventor: Kathryn D. Scheduling

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Residence Address: 302 Pavonia Avenue

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Citizenship: United States of America

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE****-- PATENT --**

Inventor(s): Michael J. Berardi, et al.

Docket No.: 60655.0100

Serial No.: 10/611,563

Group Art Unit: NYA

Filing Date: June 30, 2003

Examiner: NYA

Title:

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Citizenship: United States of America

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Inventor's signature: _____ Date: _____

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City/State: New Rochelle, New York Zip Code: 10804

Citizenship: United States of America

Full name of fourth joint inventor: Jennifer Anne Elwood

Inventor's signature: _____ Date: _____

Residence Address: 245 East 84th Street #3E

City/State: New York, New York Zip Code: 10028

Citizenship: United States of America

Full name of fifth joint inventor: Becky Vander Eyk

Inventor's signature: Becky Vander Eyk Date: 7/28/03

Residence Address: 604 Cherry Tree Ln.

City/State: Rochester Hills MI Zip Code: 48306

Citizenship: USA

Full name of sixth joint inventor: Matthew C. Hood

Inventor's signature: _____ Date: _____

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IN THE UNITED STATES PATENT
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-- PATENT --

Inventor(s): Michael J. Berardi, et al.

Docket No.: 60655.0100

Serial No.: 10/611,563

Group Art Unit: NYA

Filing Date: June 30, 2003

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City/State: New Rochelle, New York Zip Code: 10804

Citizenship: United States of America

Full name of fourth joint inventor: Jennifer Anne Elwood

Inventor's signature: _____ Date: _____

Residence Address: 245 East 84th Street #3E

City/State: New York, New York Zip Code: 10028

Citizenship: United States of America

Full name of fifth joint inventor: Becky Vander Eyk

Inventor's signature: _____ Date: _____

Residence Address: _____

City/State: _____ Zip Code: _____

Citizenship: _____

Full name of sixth joint inventor: Matthew C. Hood

Inventor's signature:  Date: 7/28/2003

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City/State: Wayne, Pennsylvania Zip Code: 19087

Citizenship: United States of America

Full name of seventh joint inventor: Susan E. Isenberg

Inventor's signature: _____ Date: _____

Residence Address: 201 West 74th, 12H

City/State: New York, NY Zip Code: 10023

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Full name of eighth joint inventor: Leigh Malnati

Inventor's signature: _____ Date: _____

Residence Address: 111 Morris Avenue, Mountain Lakes, NJ 07046

City/State: Mountain Lakes, New Jersey Zip Code: 07046

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-- PATENT --

Inventor(s): Michael J. Berardi, et al.

Docket No.: 60655.0100

Serial No.: 10/611,563

Group Art Unit: NYA

Filing Date: June 30, 2003

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Inventor's signature: _____ Date: _____

Residence Address: _____

City/State: _____ Zip Code: _____

Citizenship: _____

Full name of sixth joint inventor: Matthew C. Hood

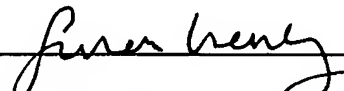
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Inventor's signature:  Date: 7/27/03

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City/State: New York, NY Zip Code: 10023

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Full name of eighth joint inventor: Leigh Malnati

Inventor's signature: _____ Date: _____

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Prior Foreign
Application(s)

Priority Not Claimed

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Number

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Application Number	Filing Date

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Residence Address: 770 NW 50th Street #306

City/State: Ft. Lauderdale, Florida Zip Code: 33351

Citizenship: United States of America

Full name of second joint inventor: Michael Bliman

Inventor's signature: _____ Date: _____

Residence Address: 4 Dogwood Circle

City/State: Matawan, New Jersey Zip Code: 07747

Citizenship: United States of America

Full name of third joint inventor: David S. Bonalle

Inventor's signature: _____ Date: _____

Residence Address: 77 Rose Hill Avenue

City/State: New Rochelle, New York Zip Code: 10804

Citizenship: United States of America

Full name of fourth joint inventor: Jennifer Anne Elwood

Inventor's signature: _____ Date: _____

Residence Address: 245 East 84th Street #3E

City/State: New York, New York Zip Code: 10028

Citizenship: United States of America

Full name of fifth joint inventor: Becky Vander Eyk

Inventor's signature: _____ Date: _____

Residence Address: _____

City/State: _____ Zip Code: _____

Citizenship: _____

Full name of sixth joint inventor: Matthew C. Hood

Inventor's signature: _____ Date: _____

Residence Address: 1112 Lafayette Road

City/State: Wayne, Pennsylvania Zip Code: 19087

Citizenship: United States of America

Full name of seventh joint inventor: Susan E. Isenberg

Inventor's signature: _____ Date: _____

Residence Address: 201 West 74th, 12H

City/State: New York, NY Zip Code: 10023

Citizenship: United States of America

Full name of eighth joint inventor: Leigh Malnati

Inventor's signature: Leigh R. Malnati Date: 7/28/03

Residence Address: 111 Morris Avenue, Mountain Lakes, NJ 07046

City/State: Mountain Lakes, New Jersey Zip Code: 07046

Citizenship: United States of America

Full name of ninth joint inventor: Alexandra Mayers

Inventor's signature: _____ Date: _____

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Citizenship: _____

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Citizenship: United States of America

Full name of thirteenth joint inventor: Kathryn D. Scheduling

Inventor's signature: _____ Date: _____

Residence Address: 220 East 54th Street, #6J

City/State: New York, NY Zip Code: 10022

Citizenship: United States of America

Full name of fourteenth joint inventor: Sejal Ajit Shah

Inventor's signature: _____ Date: _____

Residence Address: 30 West 63rd Street #21E

City/State: New York, NY Zip Code: 10023

Citizenship: United States of America

Full name of fifteenth joint inventor: Lisa Skilling-Belmond

Inventor's signature: _____ Date: _____

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Citizenship: United States of America

Full name of sixteenth joint inventor: John R. Williamson

Inventor's signature: _____ Date: _____

Residence Address: 302 Pavonia Avenue

City/State: Jersey City, New Jersey Zip Code: 07302

Citizenship: United States of America



IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

-- PATENT --

Inventor(s): Michael J. Berardi, et al.

Docket No.: 60655.0100

Serial No.: 10/611,563

Group Art Unit: NYA

Filing Date: June 30, 2003

Examiner: NYA

Title:

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Citizenship: United States of America

Full name of third joint inventor: David S. Bonalle

Inventor's signature: _____ Date: _____

Residence Address: 77 Rose Hill Avenue

City/State: New Rochelle, New York Zip Code: 10804

Citizenship: United States of America

Full name of fourth joint inventor: Jennifer Anne Elwood

Inventor's signature: _____ Date: _____

Residence Address: 245 East 84th Street #3E

City/State: New York, New York Zip Code: 10028

Citizenship: United States of America

Full name of fifth joint inventor: Becky Vander Eyk

Inventor's signature: _____ Date: _____

Residence Address: _____

City/State: _____ Zip Code: _____

Citizenship: _____

Full name of sixth joint inventor: Matthew C. Hood

Inventor's signature: _____ Date: _____

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City/State: Wayne, Pennsylvania Zip Code: 19087

Citizenship: United States of America

Full name of seventh joint inventor: Susan E. Isenberg

Inventor's signature: _____ Date: _____

Residence Address: 201 West 74th, 12H

City/State: New York, NY Zip Code: 10023

Citizenship: United States of America

Full name of eighth joint inventor: Leigh Malnati

Inventor's signature: _____ Date: _____

Residence Address: 111 Morris Avenue, Mountain Lakes, NJ 07046

City/State: Mountain Lakes, New Jersey Zip Code: 07046

Citizenship: United States of America

Full name of ninth joint inventor: Alexandra Mayers

Inventor's signature: _____ Date: _____

Residence Address: 49 Grove Street, Apartment # 5A

City/State: New York, NY Zip Code: 10014

Citizenship: United States of America

Full name of tenth joint inventor: Sue Mueller

Inventor's signature: Sue Mueller Date: 7/30/03

Residence Address: 40306 N. 3RD AVE

City/State: PHOENIX, AZ Zip Code: 85086

Citizenship: UNITED STATES OF AMERICA

Full name of eleventh joint inventor: Zarita Norcross

Inventor's signature: _____ Date: _____

Residence Address: _____

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-- PATENT --

Inventor(s): Michael J. Berardi, et al.

Docket No.: 60655.0100

Serial No.: 10/611,563

Group Art Unit: NYA

Filing Date: June 30, 2003

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Inventor's signature: _____ Date: _____

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City/State: New Rochelle, New York Zip Code: 10804

Citizenship: United States of America

Full name of fourth joint inventor: Jennifer Anne Elwood

Inventor's signature: _____ Date: _____

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Citizenship: United States of America

Full name of fifth joint inventor: Becky Vander Eyk

Inventor's signature: _____ Date: _____

Residence Address: _____

City/State: _____ Zip Code: _____

Citizenship: _____

Full name of sixth joint inventor: Matthew C. Hood

Inventor's signature: _____ Date: _____

Residence Address: 1112 Lafayette Road

City/State: Wayne, Pennsylvania Zip Code: 19087

Citizenship: United States of America

Full name of seventh joint inventor: Susan E. Isenberg

Inventor's signature: _____ Date: _____

Residence Address: 201 West 74th, 12H

City/State: New York, NY Zip Code: 10023

Citizenship: United States of America

Full name of eighth joint inventor: Leigh Malnati

Inventor's signature: _____ Date: _____

Residence Address: 111 Morris Avenue, Mountain Lakes, NJ 07046

City/State: Mountain Lakes, New Jersey Zip Code: 07046

Citizenship: United States of America

Full name of ninth joint inventor: Alexandra Mayers

Inventor's signature: _____ Date: _____

Residence Address: 49 Grove Street, Apartment # 5A

City/State: New York, NY Zip Code: 10014

Citizenship: United States of America

Full name of tenth joint inventor: Sue Mueller

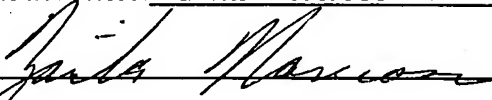
Inventor's signature: _____ Date: _____

Residence Address: _____

City/State: _____ Zip Code: _____

Citizenship: _____

Full name of eleventh joint inventor: Zarita Norcross

Inventor's signature:  Date: 08/05/2003

Residence Address: 4641 W. Mariposa Grande

City/State: Glendale, AZ Zip Code: 85310

Citizenship: United States of America

Full name of twelfth joint inventor: Peter D. Saunders

Inventor's signature: _____ Date: _____

Residence Address: 3710 East Palisade Drive

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Citizenship: United States of America

Full name of thirteenth joint inventor: Kathryn D. Scheduling

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-- PATENT --

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Inventor's signature: _____ Date: _____

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Citizenship: United States of America

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Residence Address: 201 West 74th, 12H

City/State: New York, NY Zip Code: 10023

Citizenship: United States of America

Full name of eighth joint inventor: Leigh Malnati

Inventor's signature: _____ Date: _____

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City/State: Mountain Lakes, New Jersey Zip Code: 07046

Citizenship: United States of America

Full name of ninth joint inventor: Alexandra Mayers

Inventor's signature: _____ Date: _____

Residence Address: 49 Grove Street, Apartment # 5A

City/State: New York, NY Zip Code: 10014

Citizenship: United States of America

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Inventor's signature: _____ Date: _____

Residence Address: _____

City/State: _____ Zip Code: _____

Citizenship: _____

Full name of eleventh joint inventor: Zarita Norcross

Inventor's signature: _____ Date: _____

Residence Address: _____

City/State: _____ Zip Code: _____

Citizenship: _____

Full name of twelfth joint inventor: Peter D. Saunders

Inventor's signature:  _____ Date: 25 Nov 2003

Residence Address: 3710 East Palisade Drive

City/State: Salt Lake City, Utah Zip Code: 84109

Citizenship: United States of America

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City/State: Jersey City, New Jersey Zip Code: 07302

Citizenship: United States of America

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE****-- PATENT --**

Inventor(s): Michael J. Berardi, et al.

Docket No.: 60655.0100

Serial No.: 10/611,563

Group Art Unit: NYA

Filing Date: June 30, 2003

Examiner: NYA

Title:

**TRANSPARENT TRANSACTION CARD
DECLARATION FOR PATENT APPLICATION**

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Full name of second joint inventor: Michael Bliman

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Residence Address: 4 Dogwood Circle

City/State: Matawan, New Jersey Zip Code: 07747

Citizenship: United States of America

Full name of third joint inventor: David S. Bonalle

Inventor's signature: _____ Date: _____

Residence Address: 77 Rose Hill Avenue

City/State: New Rochelle, New York Zip Code: 10804

Citizenship: United States of America

Full name of fourth joint inventor: Jennifer Anne Elwood

Inventor's signature: _____ Date: _____

Residence Address: 245 East 84th Street #3E

City/State: New York, New York Zip Code: 10028

Citizenship: United States of America

Full name of fifth joint inventor: Becky Vander Eyk

Inventor's signature: _____ Date: _____

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City/State: _____ Zip Code: _____

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Inventor's signature: _____ Date: _____

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Full name of eighth joint inventor: Leigh Malnati

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Citizenship: United States of America

Full name of thirteenth joint inventor: Kathryn D. Scheduling

Inventor's signature:  Date: 1/14/04

Residence Address: 220 East 54th Street, #6J

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Inventor's signature: _____ Date: _____

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City/State: New Rochelle, New York Zip Code: 10804

Citizenship: United States of America

Full name of fourth joint inventor: Jennifer Anne Elwood

Inventor's signature: _____ Date: _____

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Citizenship: United States of America

Full name of fifth joint inventor: Becky Vander Eyk

Inventor's signature: _____ Date: _____

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Full name of sixth joint inventor: Matthew C. Hood

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Full name of eighth joint inventor: Leigh Malnati

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Full name of ninth joint inventor: Alexandra Mayers

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-- PATENT --

Inventor(s): Michael J. Berardi, et al.

Docket No.: 60655.0100

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Residence Address: 49 Grove Street, Apartment # 5A

City/State: New York, NY Zip Code: 10014

Citizenship: United States of America

Full name of tenth joint inventor: Sue Mueller

Inventor's signature: _____ Date: _____

Residence Address: _____

City/State: _____ Zip Code: _____

Citizenship: _____

Full name of eleventh joint inventor: Zarita Norcross

Inventor's signature: _____ Date: _____

Residence Address: _____

City/State: _____ Zip Code: _____

Citizenship: _____

Full name of twelfth joint inventor: Peter D. Saunders

Inventor's signature: _____ Date: _____

Residence Address: 3710 East Palisade Drive

City/State: Salt Lake City, Utah Zip Code: 84109

Citizenship: United States of America

Full name of thirteenth joint inventor: Kathryn D. Scheduling

Inventor's signature: _____ Date: _____

Residence Address: 220 East 54th Street, #6J

City/State: New York, NY Zip Code: 10022

Citizenship: United States of America

Full name of fourteenth joint inventor: Sejal Aijt Shah

Inventor's signature: _____ Date: _____

 Residence Address: 30 West 63rd Street #21E

City/State: New York, NY Zip Code: 10023

Citizenship: United States of America

Full name of fifteenth joint inventor: Lisa Skilling-Belmond


Inventor's signature: _____ Date: _____

Residence Address: 309 West 57th Street

City/State: New York, New York Zip Code: 10019

Citizenship: United States of America

Full name of sixteenth joint inventor: John R. Williamson

Inventor's signature:  Date: 10/10/03

Residence Address: 302 Pavonia Avenue

City/State: Jersey City, New Jersey Zip Code: 07302

Citizenship: United States of America